



CITY OF MEMPHIS

COUNCIL AGENDA

November 4, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 21, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

1. PRESENTATION of the 2008 Humanitarian Award.

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

2. RESOLUTION accepting grant funds in the amount of \$42,500.00 from the Tennessee Historical Commission for the Memphis Historic Properties Survey as required by the Certified Local Government Agreement. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$27,269.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving a site plan for a Holiday Inn Hotel and Suites located on the east side of Centennial Drive, 678 feet south of Winchester Road, containing 3.59 acres in an area currently governed by PD 06-342cc.

Hedgepeth

Case No. PD 06-342cc

Applicant: CRB Hotels, Inc.
The Reaves Firm – Representative

Request: Site plan approval as required by the Outline Plan Conditions for a Holiday Inn Hotel and Suites six stories in height and containing 124 guest rooms/suites

OPD recommendation: APPROVAL

NO PUBLIC HEARING REQUIRED

4. RESOLUTION approving a special use permit located on the southwest side of U.S. Highway 78 (Lamar Avenue); +/-822.83 feet southeast of Pleasant Run Road, containing 28.95 acres in the Light Industrial (I-L), Light Industrial Flood Plain (I-L[FP]) and Floodway (FW) Districts

Hedgepeth

Case No. SUP 08-227

Applicant: DACO Corporation
McCaskill & Associates, Inc. – Representative

Request: Truck and Motor Freight Terminal, Service Facility

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving a use variance located on the east side of South Barksdale Street; +145 feet south of Madison Avenue, containing 0.207 acre in the Multiple Dwelling Residential (R-MM) District.

Hedgepeth

Case No. UV 08-09

Applicant: Richard Leike Living Trust
Tim McCaskill – Representative

Request: Automobile Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

6. ORDINANCE beginning at the east side of Island Avenue, extending to the west side of Danny Thomas Boulevard, containing 4,229 feet in the street right-of-way ~Mixed Use (MU) District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5281
Case No. SNC 08-801

Applicant: Willis Family
Archie Willis – Representative

Request: Street Name Change Request from Auction Avenue to A. W. Willis Avenue

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

54 NOTICES MAILED ON OCTOBER 24, 2008



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

7. **ORDINANCE** adopting the 2003 edition of the International Code Council Residential Building Code and providing for its implementation by amendment to the Memphis and Shelby County Building Code and to establish an effective date, up for F I R S T reading.
Hedgepeth Ordinance No. 5285

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCES - FIRST READING

8. **ORDINANCE** rezoning the south side of Holmes Road, 991 feet east of Lamar Avenue (U.S. Highway 78), containing 3.490 acres in the Agricultural (AG) District, up for F I R S T reading.
Hedgepeth Ordinance No. 5283
Case No. Z 08-109

Applicant: Couch Realty Investments, LLC
Dianne Baldi, Construction Eng. Services, Inc. – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend zoning regulations to adopt definitions for Financial Services, Payday Loan Establishments and Title Loan Establishments and to create new use categories for Payday Loan Establishments and Title Loan Establishments and to establish location and distance separation requirements for Payday and Title Loan Establishments, up for F I R S T reading.
Hedgepeth Ordinance No. 5284
Case No. ZTA 08-001cc

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

10. **ORDINANCE** rezoning the west side of Herbert Road; \pm 40 feet south of Fischer Steel Road, containing 9.55 acres in the Vacant land area ~ Heavy Industrial (I-H) District, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5282
Case No. Z 08-110

Applicant: Shelby County Government
Shelby County Government – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

11. **RESOLUTION** approving final plat of DRAINAGE IMPROVEMENTS and MAINTENANCE AGREEMENT for HICKORY POINT APARTMENT COMPLEX.
Contract No. 5122

Resolution approves the final plat located at 5861 Mt. Moriah Road Extended. Cost of the required improvements to be borne by the developer with limited maintenance responsibilities to be assumed by the City.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. **RESOLUTION** approving final plat of AYESH SUBDIVISION.
Case No. S 08-011

Resolution approves the final plat located at the northeast corner of Thomas Street and Stage Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. **RESOLUTION** accepting ALLENTOWN-SOUTH P.D. and authorizing release of bond.
Case No. PD 06-322
(Contract No. CR-5091)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Raleigh-Millington Road and Gibbs Road. The standard improvement contract was approved on September 4, 2007. Resolution also authorizes the release of the performance bond in the amount of \$177,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

14. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 08-601 – 1st Washington Alley Closure

Beginning on the south side of Washington Avenue; approximately \pm 100 feet west of Watkins Street, containing 1,781 square feet in the Multiple Family Residential (R-MH) District

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 08-602 – 2nd Washington Avenue Alley Closure

Beginning on the south side of Washington Avenue; approximately 130 feet east of Cleveland Street, containing 2,260 square feet in the Multiple Family Residential (R-MH) District and Highway Commercial (C-H) District

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 08-603 – Jefferson Avenue Alley Closure

Segment 1) Beginning 90 feet east of Cleveland Street; 208.23 feet north of Court Avenue, extending westerly 476.50 feet to the east side of Watkins Street; and **Segment 2)** Beginning 208 feet north of Court Avenue on the east side of Watkins Street and extending westerly 646 feet to McNeil Street, containing 7,062 square feet in the Multiple Family Residential (R-MH) District

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 08-604 – Washington Avenue Street Closure

Beginning on the west side of McNeil Street; 173 feet south of Poplar Avenue extending westerly 465 feet, containing 21,883 square feet in the Multiple Family Residential (R-MH) District

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 08-605 – Jefferson Avenue Street Closure

Located between Watkins Street and McNeil Street, containing 32,321 square feet in the Multiple Family Residential (R-MH) District

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 08-606 – Washington Avenue Alley Closure

Segment 1) Beginning 187.5 feet north of Jefferson Avenue on the west side of McNeil Street and extending west to Watkins Street; and **Segment 2)** Beginning at a distance 100 feet west of the west side of Watkins Street and 14 feet east of the east side of Cleveland Street, 187.50 feet north of Jefferson Avenue, containing 6,233 square feet in the Multiple Family Residential (R-MH) District

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. SUP 08-225

Located on the north side of Union Avenue at Myrtle Street, containing 1.001 acre in the Central Business (CBD) District/Medical Overlay (MO) District

Applicant: American Cancer Society
Michael Calhoun – Representative

Request: Boarding House (Hope Lodge)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 18, 2008



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MLGW FISCAL CONSENT

15. RESOLUTION approving Change No. 1 to Contract No. 11099, AT&T Voice and Data Services, with AT&T Business Systems in the amount of \$720,000.00. (This change increases the contract value in the amount of \$126,000.00 to fund services through the current contract term ending December 31, 2008, and renews the contract for the first of two renewal terms, January 1, 2009 to December 31, 2009, in the amount of \$594,000.00.)
16. RESOLUTION approving Change No. 7 to Contract No. 10336, EMS/SCADA System, with
GE Energy Management Services in the funded amount of \$372,305.00. (This change is to replace the front-end communications cabinet on the SCADA system and to implement a backup system at the Netters Business Center.)
17. RESOLUTION approving Change No. 1 to Contract No. 11117, Internet Service Provider, with AT&T Business Systems in the funded amount of \$21,600.00. (This change is to renew the contract for the first of four renewal terms, December 28, 2008 to December 27, 2009.)
18. RESOLUTION awarding contract for 12 Uninterruptible Power Systems (UPS) and accessories to Computer AC, Inc. in the amount of \$137,733.36.



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REGULAR AGENDA

19. **APPOINTMENT**

Flinn

Animal Shelter Advisory Committee

Appointment

Tara Walsh

GENERAL ORDINANCE – THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

20. RESOLUTION appropriating \$310,000.00 funded by G.O. Bonds General in CIP Project Number GA03007, Bus Replacement, to fund the local share for the purchase of 10 replacement buses for MATA, in Fiscal Year 2009 as part of the Fiscal Year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$465,000.00 funded by G.O. Bonds General in CIP Project Number GA03011, Paratransit Buses, to fund the local share for the purchase of 15 paratransit buses for MATA, in Fiscal Year 2009 as part of the Fiscal Year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION appropriating \$56,500.00 funded by G.O. Bonds General in CIP Project Number GA03001, Service Vehicles, to fund the local share for the purchase of service vehicles for MATA, in Fiscal Year 2009 as part of the Fiscal Year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION appropriating \$5,250,000.00 funded by G.O. Bonds General in CIP Project Number GA03018, Preventive Maintenance, to fund costs for maintenance of capital assets for MATA, in Fiscal Year 2009 as part of the Fiscal Year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION appropriating \$32,000.00 funded by G.O. Bonds General to CIP Project Number GA03023, Operations/Maintenance Facility, to fund the local share of a portion of a feasibility study for an Operations/Maintenance Facility for MATA as part of the Fiscal Year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION appropriating \$95,000.00 funded by G.O. Bonds General to CIP Project Number GA03004, Transfer Centers, to fund the local share of a portion of the construction costs for MATA at the South Intermodal Terminal located at the northwestern corner of Airways Boulevard and Brooks Road as part of the Fiscal year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION appropriating \$300,000.00 funded by G.O. Bonds General to CIP Project Number GA03022, Advanced Public Transportation Systems, to fund the local share of costs for MATA as part of the Fiscal Year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating \$210,000.00 funded by G.O. Bonds General to CIP Project Number GA03003, Radio System Replacement, to fund the local share of costs for MATA as part of the Fiscal Year 2009 Capital Improvement Budget.

Morrison

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION accepting grant funds in the amount of One Thousand Six Hundred Sixty Seven Dollars (\$1,667.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Statewide Activities Fund. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION accepting grant funds in the amount of One Thousand Four Hundred Twenty One Dollars (\$1,421.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Statewide Activities Fund. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION accepting grant funds in the amount of Two Thousand One Hundred Fifty Nine Dollars (\$2,159.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One State Wide Activities Fund. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION accepting grant funds in the amount of Forty Two Thousand Eight Hundred Fifty Seven Dollars (\$42,857.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Disability Program Navigator Fund. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting grant funds in the amount of Forty Three Thousand One Hundred Seventy Five Dollars (\$43,175.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Rapid Response Fund. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION accepting grant funds in the amount of Thirty Three Thousand Three Hundred Thirty Three Dollars (\$33,333.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Rapid Response Fund. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

34. RESOLUTION canceling taxes in the total amount of \$2,801.65 on church properties located at 3588 Lichterman Road, parcel numbers 093400 00601 and 093400 00600 for the tax years 2000, 2001 and 2002.

Collins

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

35. RESOLUTION appropriating \$120,000.00 in Furniture, Fixtures and Equipment, CIP Project Number FS02001 funded by G.O. Bonds General for Fire Station Repair.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

36. RESOLUTION authorizing and approving the modification of terms of current board members to conform to the calendar year, as adopted by the amended bylaws of the Health, Educational and Housing Facility Board of the City of Memphis, Tennessee.

Flinn

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION

37. RESOLUTION approving release and settlement of claims by Joseph Lee, III in the amount of \$426,422.33. **(This item was pulled from the Minutes of 10/7 on 10/21 and sent back to the MLGW Committee and back on the full agenda on 11/4)**

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

38. RESOLUTION approving the completion of plans and specifications and taking of bids for Countrywood Park Improvements, CIP Project Number PK07088, at an estimated construction cost of \$1,560,000.00 funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving the completion of plans and specifications and taking of bids for King Riverside Restrooms, CIP Project Number PK07102, at an estimated construction cost of \$250,000.00, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION approving the completion of plans and specifications and taking of bids for Parkways Maintenance and Renovations, CIP Project Number PK12001, at an estimated construction cost of \$500,000.00.

Strickland

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION requesting funds allocated for construction of the Greenway Improvements, CIP Project Number PK07012, Phase 1 and 2, to be utilized solely for Phase 2 and approving completion of plans and specifications and taking of bids for Phase 2 of Greenway Improvements, at an estimated construction cost of \$1,675,000.00 funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION appropriating \$460,643.97 for the purchase of materials and installation of the irrigation system for Crockett Golf Course in Golf Irrigation, CIP Project Number PK06006, Contract Construction, funded by G.O. Bonds General and chargeable to Fiscal Year 2009 Capital Improvement Budget.

Strickland

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION appropriating funds in the amount of \$1,861,300.00 in Construction and \$125,000.00 in Furniture, Fixtures and Equipment, funded by G.O. Bonds General in Liberty Bowl Locker Rooms, CIP Project Number PK10010, chargeable to the Fiscal Year 2009 Capital Improvement Budget for a total amount of \$1,986,388.00.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

44. RESOLUTION appropriating \$2,416,543.00 funded by Sewer Funds for Sewer Line Replacement FY 2008, Project Number SW02074 for an extension to a construction contract with Acuff Enterprises, Inc., dba Scott Contractors, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION amending the FY 2009 Capital Improvement Budget by reducing an allocation and appropriation of \$397,701.52 for G.O. Bonds (Storm Water) and increasing the allocation and appropriation for Local Other Revenue in Drainage Ditch Rehab FY07, Project Number ST03091, as directed in a MOA between the City and the Illinois Central Railroad Company for the repair of a drainage culvert on Central Station property.

Morrison

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

46. RESOLUTION expressing concern for Councilwoman Janis Fullilove. (Held from 10/21)

Boyd

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION amending the Fiscal Year 2009 O&M Budget to appropriate a one-time, gratuitous, non-recurring appropriation of \$2.4 million for Memphis City Schools to assist with the funding needs of Memphis Literacy Corp and the Summer Reading Clinic.

Halbert

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

48. RESOLUTION approving an honorary street name change for Marvin Ballin.
Consent

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION authorizing MLGW's General Counsel to pay a claims settlement in the amount of \$42,677.76.
MLGW Consent

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Held until November 18, 2008
2. Approved
3. Approved, as amended
4. Approved
5. Approved, as amended
6. Through 13 – Approved
14. Public Hearing Set for November 18, 2008
15. Through 36 – Approved
37. Held until December 2, 2008
38. Through 46 – Approved
47. Held until November 18, 2008
48. & 49 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 21, 2008 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #39, #41, #42, #43 & #49 FROM TONIGHT'S MEETING

Approved